

03-15-05

IFW

Attorney's Docket No. 104035.273254

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Biergiesser *et al.* Confirmation No.: 5690
Appl. No.: 10/767,962 Group Art Unit: 1654
Filed: January 26, 2004 Examiner: J. Harle
For: COSMETIC OR DERMATOLOGICAL PREPARATIONS INCLUDING
CREATININE OR A DERIVATIVE THEREOF AND CREATINE OR A
DERIVATIVE THEREOF AND METHODS OF APPLYING THE
PREPARATIONS TO THE SKIN

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated February 14, 2005, in which the Examiner required restriction between Group I (Claims 1-18); Group II (Claims 19-20); Group III (Claims 21-22); Group IV (Claims 23-24); Group V (Claim 25); Group VI (Claims 26-27); Group VII (Claim 28); Group VIII (Claim 29); Group IX (Claims 30-31); and Group X (Claim 32).

Applicant hereby elects with traverse to prosecute the claims of Group 1 (Claims 1-18). Such election is made with traverse as Applicant believes searching the groups together would not impose an undue burden on the Examiner. Further, Applicant expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

In reference to Group I, the Examiner has further required election of a species for prosecution from either creatine derivatives or creatinine derivatives. Applicant hereby elects with traverse to prosecute embodiments encompassing creatine derivatives.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Appl. No.: 10/767,962
Amendment dated March 14, 2005
Reply to Restriction Requirement of February 14, 2005

Respectfully submitted,

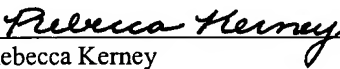


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Date of Deposit: March 14, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Rebecca Kerney